

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

In the Matter of the Petition of )  
Union Oil Company of California, )  
for Review of Order No. 74-63 )  
(NPDES Permit No. CA0000051) of )  
the California Regional Water )  
Quality Control Board, Central )  
Coast Region. )

Order No. WQ 77-12

*A-82*

BY THE BOARD:

On December 13, 1974, the California Regional Water Quality Control Board, Central Coast Region (Regional Board) issued Order No. 74-63 (NPDES Permit No. CA0000051) providing waste discharge requirements for Union Oil Company of California, Santa Maria refinery. The Union Oil Company (petitioner) filed a petition with the State Water Resources Control Board (State Board) on January 15, 1975, seeking review of Order No. 74-63. On August 13, 1975, the petitioner was advised that its petition would be evaluated on the basis of the record made at the hearing before the Regional Board, and the petitioner was invited to submit additional materials or argument pertaining to the petition and on September 16, 1975, the petitioner submitted additional argument and material.

I. BACKGROUND

The petitioner owns and operates a refinery located approximately 20 miles northwest of Santa Maria, California, and currently discharges an average of 575,000 gallons of production wastewater per day to the Pacific Ocean via a 1,500 foot submarine

outfall which terminates some 17 feet below sea level. The point of discharge is seaward of the Oso Flaco Sand Dunes.

## II. CONTENTIONS AND FINDINGS

The contentions of the petitioner and our findings relative thereto are as follows:

1. Contention: It was an abuse of discretion for the Regional Board to issue waste discharge requirements which incorporate the Environmental Protection Agency's (EPA) "Effluent Guidelines and Standards for Petroleum Refineries"<sup>1/</sup> (Guidelines) because:

(a) The Guidelines are invalid in that they purport to establish uniform absolute effluent limits for all refinery point sources covered by the Guidelines rather than serve as broad guidance to be used in developing effluent limits for individual point sources as contemplated by Section 304 of the Federal Water Pollution Control Act (FWPCA)<sup>2/</sup>;

(b) The Guidelines are technically invalid and scientifically unsupportable; and

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1. 40 CFR 419, et seq.

2. P. L. 92-500; 33 U.S.C. Section 1251, et seq.

(c) Even if the Guidelines were properly promulgated by EPA, the Regional Board failed to determine whether the requirements set forth in the Guidelines should be adjusted to reflect that the Santa Maria refinery is fundamentally different.

Findings: With regard to contention 1(a) it is now established that the EPA has authority under Section 301 of the FWPCA to promulgate uniform industry wide effluent limitations for existing sources, so long as some allowance is made for variations in individual plants.<sup>3/</sup> While under contention 1(b) the petitioner seeks to challenge the technical validity of the Federal Guidelines applicable to its discharge, the California Water Code requires the State Board or the Regional Boards to "...issue waste discharge requirements which ensure compliance with any applicable effluent limitations, water quality related effluent limitations, national standards of performance, toxic and pretreatment effluent limitations..."<sup>4/</sup> If the petitioner

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3. Dupont v. Train; -U.S.-, 97 S.Ct. 965; 9 ERC 1753.

4. See Footnote 10, infra.

wishes to contest the technical validity of the Guidelines, it must do so in a Federal forum.<sup>5/</sup>

With regard to contention 1(c), the Guidelines provide that a discharger may submit evidence to a state, with authority to issue NPDES permits that factors relating to the discharger's facility or processes are fundamentally different from the factors considered in the establishment of the Guidelines.<sup>6/</sup> Although the petitioner presented testimony to the Regional Board in support of the contention that it was fundamentally different, the Regional Board Executive Officer, Mr. Kenneth R. Jones, indicated that in his

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5. Section 509(b)(1) of the FWPCA provides:

"Review of the Administrator's action (A) in promulgating any standard of performance under section 306, (B) in making any determination pursuant to section 306(b)(1)(C), (C) in promulgating any effluent standard, prohibition, or treatment standard under section 307, (D) in making any determination as to a State permit program submitted under section 402(b), (E) in approving or promulgating any effluent limitation or other limitation under section 301, 302, or 306, and (F) in issuing or denying any permit under section 402, may be had by any interested person in the Circuit Court of Appeals of the United States for the Federal judicial district in which such person resides or transacts such business upon application by such person. Any such application shall be made within ninety days from the date of such determination, approval, promulgation, issuance or denial, or after such date only if such application is based solely on grounds which arose after such ninetieth day.

6. 40 CFR 419.22.

professional opinion, the petitioner's facility was not fundamentally different and the Regional Board adopted waste discharge requirements applying the Guidelines. On that basis the Regional Board did determine that the Guidelines were directly applicable and that the discharger was not fundamentally different.

The petitioner raised the following points to support the claim of fundamental difference: (1) The Guidelines were not based on a study of refinery process which utilize only coking and crude distillation as the primary refining processes as employed in the petitioner's facility; (2) the Guidelines were not based on an evaluation of refineries which employ only crude oil distillation and delayed coking operations to process only crude oil which is heavy, high in sulfur and high in nitrogen (California crude), as does the petitioner's refinery; and (3) the Guidelines fail to differentiate the fundamental process differences between coking and other cracking techniques. In response to these points, we find: (1) The Guidelines for the petroleum refining point source category were based on considerations which took account of different refinery configurations.<sup>7/</sup> Whether the exact configura-

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7. Development Document for Effluent Guidelines and New Source Performance Standards for the Petroleum Refining Point Source Category, April, 1974, EPA--440/1-74-014a.

tion of any particular refinery was considered should not affect the applicability of the Guidelines. (2) EPA specifically points out in the preamble to its Effluent Guidelines and Standards for the Petroleum Refining Point Source Category that it did consider the question of California crude oils in publishing the Guidelines.<sup>8/</sup>

(3) An examination of the Guidelines, published on May 9, 1974, indicates that EPA did give consideration to coking as well as other cracking processes. The fact that delayed coking was assigned the same weighting factor as other cracking processes does not mean that these processes were not given individual consideration. Based on the data submitted by the petitioner and the foregoing Findings, we conclude that the petitioner's facility is not fundamentally different.<sup>9/</sup>

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8. The Federal Register, Vol. 39, No. 91, p. 16561, May 9, 1974.

9. By letter dated April 30, 1975, EPA indicated that the waste discharge requirements contained in Order No. 74-63 are appropriate and any changes thereto must be approved by the EPA. While not clearly stated, it appears that EPA concluded that the petitioner's facility is not fundamentally different. A follow-up letter seeking clarification on this point was directed to EPA and by letter received on June 19, 1975, EPA indicated that it concurred with the analysis and conclusion included in these findings. Copies of those letters are included in the Appendix to this Order.

2. Contention: The Regional Board failed to comply with Section 13377<sup>10/</sup> because Order No. 74-63 was not based upon considerations which include the following:

"(a) the abatement measures necessary to achieve, not later than July 1, 1977, best practicable control technology currently available for the particular point source involved. This determination, in turn, requires that the Regional Board consider (1) the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application, (2) the age of the equipment and the facilities involved, (3) the process employed, (4) the engineering aspects of the application of the various types of control techniques, (5) process changes, and (6) non-water quality environmental impact (including energy requirements); and

"(b) the conditions existing from time to time in the disposal area or receiving waters upon or into which the discharge is made or proposed."<sup>11/</sup>

Findings: The factors listed in contention 2(a) are included in Section 304(b)(1)(B) of the Federal Act and must be considered by EPA in determining best practicable control technology currently available and in developing effluent limitations guidelines. On May 9, 1974, the EPA published Guidelines including

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10. Section 13377, Chapter 5.5, Division 7, California Water Code provides:

"Notwithstanding any other provision of this division, the state board or the regional boards shall, as required or authorized by the Federal Water Pollution Control Act, as amended, issue waste discharge requirements which ensure compliance with any applicable effluent limitations, water quality related effluent limitations, national standards of performance, toxic and pretreatment effluent standards, and any ocean discharge criteria." (Emphasis added.)

11. From the Petition for Review, pp. 5-6.

requirements for the facility under consideration here. The introductory remarks to the Guidelines contain the following paragraph:

"The purpose of this notice is to establish final effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources in the topping subcategory, cracking subcategory, petrochemical subcategory, lube subcategory, and integrated subcategory of the petroleum refining category of point sources, by amending 40 CFR Ch. I, Subchapter N. to add a new Part 419. This final rulemaking is promulgated pursuant to sections 301, 304(b) and (c), 306(b) and (c) and 307(c) of the Federal Water Pollution Control Act, as amended, (the Act); 33 U.S.C. 1251, 1311, 1314(b) and (c), 1316(b) and (c) and 1317(c); 86 Stat. 816 et seq.; Pub.L. 92-500. Regulations regarding cooling water intake structures for all categories of point sources under section 316(b) of the Act will be promulgated in 40 CFR Part 402." (Emphasis added.)

As indicated under contention 1(a), it is now settled that the EPA has authority to promulgate uniform industry wide effluent limitations for existing sources. Since it has done so for the particular source under consideration here, unless a variance is requested and obtained, waste discharge requirements must, at a minimum, include effluent limitations required by the Guidelines. This is true (contrary to petitioner's contention 2(b)) notwithstanding the conditions existing in the receiving waters.<sup>12/</sup>

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12. As we stated in Order No. WQ 77-6 (Louisiana Pacific/Crown Simpson) the burden is on the discharger to demonstrate that it is entitled to a variance from Guidelines limitations and the quality of receiving waters is relevant to a variance request only in a very limited sense.

3. Contention: Petitioner contends that Order No. 74-63 should contain a proviso governing situations where noncompliance is due to plant upset, breakdown, malfunction of the treatment facility or other circumstance beyond the petitioner's control.

Findings: This same contention was made to the State Board by Union Oil Company of California in its petition for review of Order No. 74-152 (NPDES Permit No. CA0005053). Our response to that contention is found in State Board Order No. WQ 75-16, at page 6, wherein it is stated:

"We recognize that influent quality changes, equipment malfunction, facilities start up and shutdown or other circumstances may sometimes result in the effluent exceeding permit limitations despite the exercise of reasonable care by petitioner. In these cases the petitioner may come forward to demonstrate to the Regional Board that such circumstances exist. The Regional Board will consider these factors in exercising their discretionary authority in determining non-compliance and for enforcement purposes. Regional Board enforcement actions must be reasonably based pursuant to public hearing and due process protections. Limitless facts and possibilities exist regarding upset conditions and each case must be reviewed on its own merits. To limit this discretion of the Regional Board would be to impair seriously the purpose and enforcement provisions of the Federal Water Pollution Control Act."

The Regional Board is not required to include a provision related to upsets, breakdowns, or malfunctions of the treatment facility or treatment equipment in NPDES permits and did not err in adopting the Order No. 74-63 without such provision or allowance.

4. Contention: Petitioner alleges that it is unaware of any standard test procedure for measuring concentrations of floating particulates in an effluent, and therefore it was improper for the Regional Board to impose a floating particulate limitation.

Findings: It is not entirely clear what the petitioner means by "standard test"; however, the Ocean Plan Guidelines identified floatation funnel separation as the method to be used for determining compliance with the effluent limitation for floating particulates.<sup>13/</sup> Accordingly, we find the Regional Board did not act improperly with respect to this contention.

5. Contention: Concentration limitations set forth in Effluent Limitation B-10 of Order No. 74-63 are improper because:

- (a) The limitations are unrealistically rigid in light of currently available and affordable technology;
- (b) Expression of effluent limitations in terms of concentration limits encourages dilution of the effluent; and
- (c) The total chlorine residual limitations are inappropriate because treated sanitary wastes are not a part of a

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13. Guidelines for the Preparation of Technical Reports on Waste Discharges to the Ocean and for Monitoring the Effects of Waste Discharges on the Ocean, Table 8, Analytical Methods.

petitioner's discharge.<sup>14/</sup>

Findings: With regard to contention 5(a), a similar contention was made to the State Board by the Crown Pulp Company and the Louisiana Pacific Corporation and was answered by Order No. WQ 75-31 wherein the State Board stated:

"The effluent limitations referred to by the Petitioners are limitations which were included in the orders by the Regional Board because such limitations are contained in the Ocean Plan.<sup>15/</sup> The California Water Code, Section 13170, allows

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14. Effluent Limitation B-10 sets forth the Ocean Plan Table B limitations and a provisions permitting an extension of the time for compliance under appropriate circumstances. It provides:

The discharge of an effluent in excess of the following limits after July 1, 1978, is prohibited; provided, however, if it can be conclusively demonstrated by any discharger to ocean waters that the treatment process required by Water Code Section 13379(a) and (b), plus source control, will not result in complete compliance with the following limits by July 1, 1978, the State Board may allow additional time for compliance not to exceed July 1, 1983:

<u>Constituent</u>	<u>Units</u>	<u>50% of time</u>	<u>10% of time</u>
Arsenic	mg/l	0.01	0.02
Cadmium	"	0.02	0.03
Total Chromium	"	0.005	0.01
Copper	"	0.2	0.3
Lead	"	0.1	0.2
Mercury	"	0.001	0.002
Nickel	"	0.1	0.2
Silver	"	0.02	0.04
Zinc	"	0.3	0.5
Cyanide	"	0.1	0.2
Phenolic Compounds	"	0.5	1.0
Total Chlorine Residual	"	1.0	2.0
Total Identifiable Chlorinated Hydrocarbons	"	0.002	0.004
Toxicity Concentration	tu	1.5	2.0

the State Board to adopt water quality control plans and states that such plans supersede any regional water quality control plans which govern the same waters. An (sic) addition, Section 13263 of the Water Code requires the Regional Boards to implement relevant water quality control plans in prescribing waste discharge requirements. Hence, the Regional Board did not err in including effluent limitations contained in the Ocean Plan. In fact, the Regional Board was under a statutory requirement to incorporate such limitations."

"Many of the Petitioner's arguments, however, were impressive and as a result of these arguments and other factors, the State Board is proceeding to review the Ocean Plan in a number of areas. However, prior to any amendment of such plan, the Board will review the available alternatives and technical information and will hold extensive public hearings. The Ocean Plan, however, does provide partial relief to the Petitioners in the implementation schedule contained in State Board Resolution No. 74-5 adopted January 17, 1974. This Resolution states in part:

1. The effective date of Table B, Chapter IV, is July 1, 1978;
2. Waste discharge requirements issued to dischargers to ocean waters shall require compliance with Water Code Section 13379 not later than July 1, 1977;
3. If it can be conclusively demonstrated by any discharger to ocean waters that the treatment process required by Water Code Section 13379(a) and (b) to meet waste discharge requirements plus source control will not result in complete compliance with effluent quality requirements contained in Table B, Chapter IV of this plan by July 1, 1978, the State Board may allow additional time for compliance not to exceed July 1, 1983."16/

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16. The essence of this language is contained in Effluent Limitation B.10. See Footnote 15, supra.

We believe the foregoing language is as applicable to the petitioner today as when it was written in connection with Order No. WQ 75-31. The petitioner has the option of making a presentation to the Regional Board as provided in Effluent Limitation B-10 of Order No. 74-63. Additionally, we note that the State Board has proceeded in its review of the Ocean Plan, that substantial progress has been made in the review of the Ocean Plan, and that final determination on any revision of the Ocean Plan, including any revision to the Chromium limit, will be made by the State Board in the near future.

In response to the contention that the total chlorine residual limitation is improper, we agree that the presence of a chlorine residual in the petitioner's effluent is unlikely. The Regional Board has recognized this likelihood by not requiring the petitioner to monitor for the chlorine residual. We find the petitioner can suffer no injury where it must neither expend money to control an effluent parameter not currently present in its waste stream nor expend money to monitor for that same parameter.

6. Contention: The petitioner contends that the maximum allowable daily and monthly mass emission rates contained in provisions B-11 and B-12 are in conflict with concentration

limitations contained in provisions B-7 and B-10 of Order No. 74-63.<sup>17/</sup>

Findings: As used here, "concentration limitation" means the mass or volume of a pollutant which may be found in

17. See Footnote 15, supra, for Effluent Limitation B-10. Effluent Limitations B-7, B-11 and B-12 are set forth below:

B-7. "Effective July 1, 1977, the discharge of an effluent in excess of the following concentration limit is prohibited:

<u>Constituent</u>	<u>Units</u>	<u>Concentration not to be exceeded more than 50% of time</u>	<u>Concentration not to be exceeded more than 10% of time</u>
Floating Particulates (dry weight)	mg/l	1.0	2.0
Settleable Solids	ml/l	0.1	0.2
Turbidity	JTU	50	75

B-11. "The Maximum Allowable Daily Mass Emission Rate for each constituent listed in Items 7 and 10 above shall be calculated from the total waste flow occurring each specific day and the concentration specified in waste discharge requirements as that not to be exceeded more than 10 percent of the time. The mass emission rate of the discharge during any 24-hour period shall not exceed the Maximum Allowable Daily Mass Emission Rate.

B-12. "The Maximum Allowable Monthly Mass Emission Rate for each constituent listed in Items 7 and 10 above shall be calculated from the total waste flow occurring in each specific month and the concentration specified in waste discharge requirements as that not to be exceeded more than 50 percent of the time. The mass emission rate of the discharge during any monthly period shall not exceed the Maximum Allowable Monthly Mass Emission Rate.

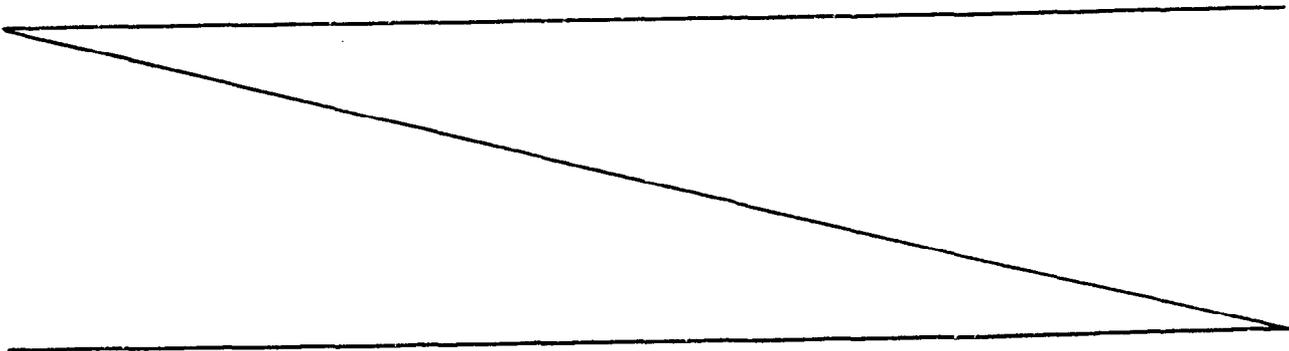
a stated volume of effluent and "mass emission rate" means the pounds or other mass of a pollutant which may be discharged in a specified unit of time (e.g., a day or month). Effluent limitations B-7 and B-10 establish concentration limits for various pollutants and effluent limitations B-11 and B-12 establish daily and monthly mass emission rates for the same pollutants. Effluent limitations B-7, B-10 B-11 and B-12 are required by the Ocean Plan and the Regional Board is obligated to incorporate the limitations in waste discharge requirements for ocean discharges.<sup>18/</sup> Concentration limitations contained within provisions B-7 and B-10 provide numerical values for various parameters that shall not be exceeded more than ten and fifty percent of the time. Daily mass emission rates are calculated by multiplying total waste flow for a day times the concentration limitations which may not be exceeded more than ten percent of the time found in provisions B-7 and B-10. If more than one sample is analyzed in a day, it is possible to exceed the concentration limitation which is not to be exceeded more than ten percent of the time and not be in violation of the mass emission rate as long as the flow-weighted average concentration for the day does not exceed the concentration not to be exceeded more than ten percent of the time. The maximum monthly mass emission rate

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18. Water Quality Control Plan, Ocean Waters of California, Section 13263(a), California Water Code.

is a measure of a flow-weighted mean concentration while the concentration not to be exceeded more than fifty percent of the time is a measure of a median concentration. These two requirements represent different measures of the discharge and are not a conflict internal to the Ocean Plan but are an instance where one requirement may be more stringent than another. In order to effectuate the purposes of the Ocean Plan, the more stringent limitations are applicable. We find no error on the part of the Regional Board in adopting these effluent limitations.

7. Contention: The petitioner alleges that Effluent Limitation B-14 of Order No. 74-63 is redundant and void for vagueness because:

- (a) Standard Provision "9" provides that the Regional Board will revise or modify waste discharge requirements to conform to any toxic effluent standards established by the Environmental Protection Agency pursuant to Section 307; FWPCA; and
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- (b) No fixed standard is established by which either the discharger or the Regional Board can determine whether a violation exists.<sup>19/</sup>

Findings: With regard to contention 7(a), federal regulations require the inclusion of Standard Provision 9 in all NPDES permits<sup>20/</sup> and, in general terms, Effluent Limitation B-14 implements the provisions of the Ocean Plan<sup>21/</sup>. While the language of B-14 may be viewed as being more stringent than required by the Ocean Plan the Ocean Plan also states at provision D, Chapter VI:

"The Regional Boards may establish more restrictive... effluent quality requirements than those set forth in this plan as necessary for the protection of beneficial uses of the ocean."

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19. Effluent Limitation B-14 provides:

"The discharge shall not contain harmful concentrations of substances which are toxic or otherwise detrimental to human, animal, plant, bird, fish, or other aquatic forms."

Standard Provision 9 provides:

"If a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Federal Water Pollution Control Act, or amendments thereto, for a toxic pollutant which is present in the discharge authorized herein and such standard or prohibition is more stringent than any limitation upon such pollutant in this Order, the Board will revise or modify this Order in accordance with such toxic effluent standard or prohibition and so notify the discharger."

20. 40 CFR 124.45(g).

21. See Chapter III, Paragraph B.3 of the Ocean Plan.

Although the basis upon which the Regional Board adopted the more stringent language does not reveal itself in the record, we take judicial notice that the discharge is adjacent to the Pismo Clam Refuge regulated by the Department of Fish and Game<sup>22/</sup>

The petitioner has erred in its understanding of limitation B-14. Provision B-14 is a narrative requirement which expresses one of the several objectives which the State Board and

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22. Section 10711, Fish and Game Code, provides:

"The commission \* \* \* may close for the taking of clams not less than eight land miles of pismo clam bearing beaches within or offshore from San Luis Obispo County as a clam refuge, but not more than 50 percent of any individual pismo clam bearing beach or beaches may be so closed at any time. The commission may from time to time vary the location of the closed and open portions of such beaches."

Section 29.40, Title 14, California Administrative Code provides:

"(d) Clam preserves: No clams shall be taken within or offshore from San Luis Obispo County in the following described Pismo clam-bearing beaches which are hereby established as clam preserves, and which are closed for the taking of clams:

- (1) All that portion of a beach commonly known as Pismo-Oceano Beach lying between the San Luis Obispo-Santa Barbara county line and the mouth of Oso Flaco Creek--approximately 4.6 miles.
- (2) All that portion of a beach commonly known as Pismo-Oceano Beach lying between the Grand Avenue ramp and the mouth of Pismo Creek--approximately one mile.
- (3) All that portion of Atascadero Beach lying between Morro Rock and the mouth of Toro Creek--approximately 2.5 miles."

Regional Boards seek to accomplish via more explicit numeric effluent limitations. As such, B-14 is a logical corollary to the numeric effluent limitations. Effluent limitation B-14 is also a requirement independent of numeric limitations. In contrast to several of the numeric effluent limitations contained in the Order, B-14 is effective upon the issuance of the Order. Additionally, the effect of B-14 does not await future promulgation of toxic effluent standards pursuant to Standard Provision 9. It is not impossible that a discharger may intentionally or negligently discharge substances, other than those specifically enumerated in its permit, that may be harmful to various life forms when discharged to the waters of California. Accordingly, B-14 holds a discharger accountable for any failure to exercise the control over a wastewater discharge necessary to prevent "...detriment to human, animal, plant, bird, fish, or other aquatic life."

In its contention 7(b), the petitioner correctly asserts that limitation B-14 contains no fixed standard for determining compliance; however, that is not to say there is no standard. The language of B-14 speaks to results to be avoided, i.e., the discharge shall not contain substances in concentrations harmful to various forms of life. The result to be avoided is the standard by which compliance or noncompliance is determined, e.g., a fish kill.

We also note that Part Two, Section III D and Appendix F, as well as Part Two, Section VI B ("Bioassays") of the Guidelines for implementing the Ocean Plan provide two separate methodologies by which compliance with B-14, may be determined.<sup>23/</sup> We conclude, therefore, that this contention is without merit.

8. Contention: The petitioner alleges that the Regional Board's inclusion of the Water Quality Objectives from Chapter II of the Ocean Plan, in part "C" of Order No. 74-63 is improper because:

- (a) "Chapter II" objectives were not intended by the State Board to be used as effluent limitations;
- (b) The Regional Board's inclusion of the objectives constitutes an abdication of regulatory responsibility;
- (c) Inclusion of the objectives exceeds the authority vested in the Regional Board by state or federal legislation; and

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23. See Footnote 13, *infra*.

- (d) The objectives are impermissibly vague and provide no rational standard by which to gauge compliance.

Findings: In adopting the Ocean Plan, the State Board intended that all dischargers be subject to the water quality objectives found in Chapter II.<sup>24/</sup> In guidance from the State Board to the Regional Boards, it is indicated that receiving water limitations should be set forth or incorporated by reference in waste discharge requirements issued to dischargers.<sup>25/</sup> Inclusion of Chapter II objectives within the permit is neither an abdication of regulatory power nor an act ultra vires to state and federal legislation.<sup>26/</sup> The objectives set forth in Chapter II of the Ocean Plan are neither vague nor without standards by which compliance may be judged. Much care was exercised in the language chosen to express the objectives. Standards for judging compliance are developed in detail for Regional Boards in the Ocean Plan Guidelines. We find no error on the part of the Regional Board regarding this contention.

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24. See State Board Resolution No. 72-45, Resolved 2; Introductory remarks, Chapter II and Chapter VI, B and E of the Ocean Plan.
25. See Section 4036, and format 4036 (1-5), Procedures Manual, Part II, California State Water Resources Control Board and Regional Water Quality Control Board.
26. See Sections 301, 402 and 510, FWPCA; Section 13379(c), Chapter 5.5, Division 7, California Water Code. See also 40 CFR 124.42(4) and Section 2235.5(b), Article 5, Subchapter 9, Chapter 3, Title 23, California Administrative Code.

III. CONCLUSION AND ORDER

Having considered the contentions of the petitioner and the records of the Regional Board, we conclude that the action of the Regional Board in adopting Order No. 74-63 was proper.

IT IS HEREBY ORDERED that the petition for review of Order No. 74-63 is denied.

Dated:

*June 16, 1977*

/s/ John E. Bryson  
John E. Bryson, Chairman

/s/ W. Don Maughan  
W. Don Maughan, Vice Chairman

/s/ W. W. Adams  
W. W. Adams, Member

/s/ Jean Auer  
Jean Auer, Member